

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LINDSEY KENT SPRINGER,  
OSCAR AMOS STILLEY,**

**Defendants.**

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**Case No. 09-CR-043-SPF**

**UNITED STATES' NOTICE WITH RESPECT TO THE COURT'S  
PROPOSED JURY INSTRUCTION REGARDING GIFTS – MINISTER**

The United States of America, by and through its attorneys, Thomas Scott Woodward, Acting United States Attorney for the Northern District of Oklahoma, and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby provides the following notice with respect to the Court's proposed jury instruction regarding Gifts – Minister. The United States has two recommended changes to the proposed instruction.

In the third paragraph, the proposed jury instruction states the following: "Voluntary contributions, when received and retained by the minister, are income to him. Payments made to a minister as compensation for his services also constitute income to him." The United States believes that the following phrasing would be more consistent with the remainder of the Court's proposed instruction: Voluntary contributions, when received and retained by the minister, *may*

*be* income to him. Payments made to a minister as compensation for his services constitute income to him.

In the fifth paragraph of the Court’s proposed instruction, the second sentence currently reads: “Where the person transferring the money did not act from any sense of generosity, but rather to secure goods, services or some other such benefit for himself, there is no gift.” As written, the instruction appears to limit income to payments directly from the beneficiary of the services. The United States recommends adding the phrase “or for another,” so that the sentence reads: “Where the person transferring the money did not act from any sense of generosity, but rather to secure goods, services or some other such benefit for himself *or for another*, there is no gift.”

In all other respects, the United States agrees with the Court’s proposed jury instruction.

Respectfully submitted,

THOMAS SCOTT WOODWARD  
ACTING UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of November 2009, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Lindsey Kent Springer  
Defendant

Oscar Amos Stilley  
Defendant

Robert Williams  
Standby Counsel assigned to Lindsey Kent Springer

Charles Robert Burton, IV  
Standby Counsel assigned to Oscar Amos Stilley.

/s/ Charles A. O'Reilly  
Special Assistant U.S. Attorney